

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

ENRIQUE MORENO,

Petitioner,

v.

No. 2:22-cv-00683-KWR-JHR

RICK MARTINEZ, *et al*,

Respondents.

**ORDER DENYING MOTION TO PROCEED *IN FORMA PAUPERIS***

**THIS MATTER** is before the Court on Petitioner's Motion to Proceed *In Forma Pauperis* (Doc. 5) (Motion). Petitioner is a state prisoner and is proceeding *pro se*. He seeks to prosecute his 28 U.S.C. § 2254 petition without prepaying the \$5.00 fee. *In forma pauperis* relief is only available where the petitioner's "affidavit [and] ... statement of ... assets [demonstrates he] ... is unable to pay such fees." 28 U.S.C. § 1915(a)(1). Petitioner does not qualify under that test. His financial statement reflects he has an account balance of \$134.41. *See* Doc. 5 at 3. The Court will **DENY** the Motion.

**IT IS ORDERED** that Petitioner's Motion to Proceed *in Forma Pauperis* (**Doc. 5**) is **DENIED** and Petitioner must prepay the \$5.00 filing fee within thirty (30) days of entry of this Order. The failure to timely comply will result in dismissal of this case without further notice.

**IT IS SO ORDERED.**

  
**KEA W. RIGGS**  
**UNITED STATES DISTRICT JUDGE**